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OFFICE OF PETITIONS

In re Application of Hockman et al. :
Application No. 10/784,812 :
Filing Date: February 24, 2004 :
Attorney Docket No. P07698US00/WEJ :

Decision on Petition

This is a decision in response to the letter filed on the petition filed November 28, 2007, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **granted**.

A final Office action was mailed October 12, 2006. The Office action set a shortened statutory period for reply of three (3) months. A Notice of Appeal and request for an extension of time were timely filed March 28, 2007. The Notice of Appeal was accompanied by a "Pre-Appeal Brief Request for Review." The Office has determined,

[When a Pre-Appeal Brief Request for Review is filed,] the time period for filing an appeal brief will be reset to be one month from mailing of the decision on the request, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater.¹

Since the Office has not mailed a decision on the request, the period to file an appeal brief has not expired and the application is not abandoned.

Technology Center Art Unit 3633 will be informed of the instant decision and the matter will be forwarded to the examiner for consideration of the Pre-Appeal Brief Request for Review.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

¹ New Pre-Appeal Brief Conference Program, 1296 Off. Gaz. Pat. Office 67 (July 12, 2005).